

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

FILED BY S D.C.  
05 MAY 25 AM 8:08  
ROBERT R. DI TROLIO  
CLERK OF U.S. DIST. CT.  
W.D. OF TN-JACKSON

FELISHA HINSON, )

PLAINTIFF, )

VS. )

CIVIL ACTION NO.: 1:04cv1323-T/An

WAL-MART STORES, INC.; )

WAL-MART REAL ESTATE )

BUSINESS TRUST; WAL-MART )

ASSOCIATES, INC.; WAL-MART )

REALTY COMPANY; WAL-MART )

STORES EAST, INC.; WAL-MART )

STORES EAST, LP, )

DEFENDANTS. )

---

**RULE 16(b) SCHEDULING ORDER**

---

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

**INITIAL DISCLOSURES (RULE 26(a)(1):**

June 10, 2005

**JOINING PARTIES:**

For Plaintiff: July 27, 2005

For Defendant: August 29, 2005

**AMENDING PLEADINGS:**

For Plaintiff: July 27, 2005

For Defendant: August 29, 2005

**COMPLETING ALL DISCOVERY:**

January 27, 2006

**(a) REQUESTS FOR PRODUCTION, INTERROGATORIES  
and REQUESTS FOR ADMISSIONS:**

January 27, 2006

**(b) EXPERT DISCLOSURE (Rule 26(a)(2):**

- (i) Plaintiff's Experts: October 28, 2005
- (ii) Defendant's Experts: November 28, 2005
- (iii) Supplementation under Rule 26 (e): December 8, 2005

**(c) DEPOSITIONS OF EXPERTS:**

January 27, 2006

**FILING DISPOSITIVE MOTIONS:**

January 3, 2006

**FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3):**

- (a) For Plaintiff: February 17, 2006
- (b) For Defendant: March 6, 2006

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last 3 days and is **SET for JURY TRIAL** on April 3, 2006 at 9:30 a.m. A joint pretrial order is due on March 24, 2006. In the event the parties are unable to agree on a joint pretrial order, parties must notify the court at least ten days before trial.

**OTHER RELEVANT MATTERS:**

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response or answer shall be waived.

The parties are reminded to pursue to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

**The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.**

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

**IT IS SO ORDERED**

  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Date: May 24, 2005

**APPROVED FOR ENTRY:**

**JONES, HAMILTON & LAY, P.L.C.**

Attorneys at Law

P.O. Box 763

Dyersburg, TN 38025-0763

(731) 286-5323

BY: 

Jeffrey L. Lay

B.P.R. No.: 010022

Attorney for Plaintiff

**BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ**

Attorneys at Law

165 Madison Avenue, Suite 2000

Memphis, TN 38103

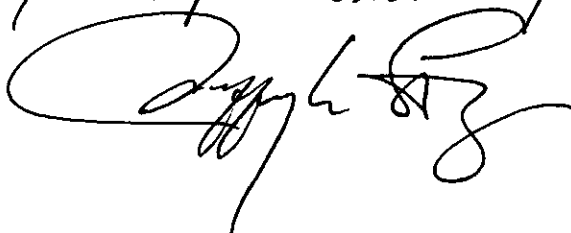
(901) 526-2000

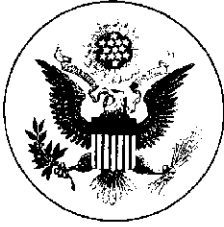
By: 

Clinton J. Simpson

B.P.R. No.: 20284

Attorney for Defendants

*with permission by*  




## Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 1:04-CV-01323 was distributed by fax, mail, or direct printing on May 26, 2005 to the parties listed.

---

Clinton J. Simpson  
BAKER DONELSON BEARMAN & CALDWELL  
20th Floor  
165 Madison Avenue  
Memphis, TN 38103

Jeffrey L. Lay  
FARMER JONES HAMILTON & LAY  
P.O. Box 763  
Dyersburg, TN 38025--076

Honorable James Todd  
US DISTRICT COURT